

# TAYLOR & COHEN LLP

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August 23, 2021

*By ECF and Email*

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *U.S. v. Dwyane Anthony Conley*, 19 CR 131-03 (PAE)**

Dear Judge Engelmayer:

I represent Dwayne Conley in the above referenced case. I am writing to respectfully request an adjournment of Mr. Conley's sentencing date, which is currently scheduled for August 25, 2021 at 10:00 a.m. This is the second request for an adjournment of Mr. Conley's sentencing date.

We are requesting an adjournment of at least one week to provide defense counsel an opportunity to review with Mr. Conley in advance of his sentencing the statement of the mother of Victim-3, which was filed on ECF early this morning. If the Court grants this request, Mr. Gregory and I would be available for Mr. Conley's sentencing on the afternoon of September 3, 2021 or any time on September 8, 2021.

As of the time of filing, we have not received a response from the government regarding its position on this adjournment request.

Respectfully,



Zachary Taylor

cc: Rushmi Bhaskaran, Esq.  
Benjamin Woodside Schrier, Esq.  
Daniel Harris Wolf, Esq.  
Assistant United States Attorneys

**DENIED.** The Court declines to adjourn Wednesday's sentencing hearing for defendant Dwayne Anthony Conley. The Court regards it as productive for the sentencing hearing at least to commence, because – independent of the letter recently submitted by the mother of Victim-3 – there appear from the Presentence Report to be material factual disputes regarding Mr. Conley's conduct towards Victim-3 which require resolution, and which have potential to require the scheduling of a Fatico hearing. See, e.g., PSR ¶¶ 15, 31 and PSR page 32 (addendum). Counsel should be prepared to address at the hearing the means by which those disputes are to be resolved, as well as any disputes regarding the particular factual allegations made by the mother of Victim-3. The Court will determine at Wednesday's hearing whether it will be possible for sentencing to be completed that day, or whether factors such as unresolved factual disputes require an adjournment. The Clerk of Court is requested to terminate the motion at Dkt. No. 896.

8/23/2021

SO ORDERED.

A handwritten signature in blue ink, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER  
United States District Judge